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5004-01,4 John Goldfarb
Please Come Home

'Goldfarb' Fails to Gain in 1st Appeal

By NEAL PATTERSON

Twentieth Century-Fox was thrown for another loss yesterday in its court struggle to bring to the screen its \$4-million comedy, "John Goldfarb, Please Come Home," which depicts the Notre Dame football team in harem scenes that the university finds unfunny.

A temporary injunction against showing the movie was upheld yesterday in an hour-long goal line stand in the Appellate Division.

That court's Presiding Justice Bernard Botein refused to stay the injunction which Supreme Court Justice Henry Clay Greenberg granted Thursday on Notre Dame's plea that "irreparable injury" to the school's high prestige was involved.

Premieres Off in 23 Houses

That means that premieres of "John Goldfarb," scheduled for Christmas Day in 23 metropolitan area theatres, are off.

Justice Botein, however, set Jan. 5 for a hearing of the com-

pany's appeal to the full five-judge Appellate bench.

Botein said that during a conference in his chambers lawyers had discussed a possible immediate convening of the court. "But," he added, "it was agreed that the matter could not be presented adequately within a brief period."

Novel Stopped, Too

Justice Botein also continued Justice Greenberg's injunction against further publication of the novel on which the movie is based.

He didn't change the bond status. Notre Dame had been required to post a nominal \$10,000 bond to protect the defendant film company and publishing

firms against financial losses, should the injunction be vacated on appeal. Twentieth Century-Fox counsel sought vainly Thursday to have the bond boosted to \$5 million.

Notre Dame charges that the movie pictures the Fighting Irish as "undisciplined gluttons and drunks." The company's position is that it is a "good-natured lampoon."

Justice Greenberg called the unauthorized use of Notre Dame's name and symbols a "clear case of commercial piracy." He termed the script "ugly, vulgar and tawdry."

His decision, if upheld, will have far-reaching effects on the entertainment and publishing industries.